



# Federal Register

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**Monday,  
May 5, 2008**

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**Part XXI**

## **Committee for Purchase From People Who Are Blind or Severely Disabled**

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**Semiannual Regulatory Agenda**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED (CPBSD)

### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

#### 41 CFR Ch. 51

#### Semiannual Regulatory Agenda

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This document sets forth the regulatory agenda of the Committee for Purchase From People Who Are Blind or Severely Disabled (Committee). This agenda is issued in accordance with Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or review or that the

Committee expects to have under development or review during the next 12 months. The purpose for publishing this agenda is to advise the public of the Committee's current and future regulatory actions.

**FOR FURTHER INFORMATION CONTACT:** For further information on the agenda in general, contact Dennis Lockard, General Counsel, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA, 22202-3259; (703) 603-2121. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

**SUPPLEMENTARY INFORMATION:** Under Executive Order 12866 (58 FR 51735, October 4, 1993), each agency is required to prepare an agenda of all

regulations under development or review. The Regulatory Flexibility Act (5 U.S.C. 601 to 612) has a similar agenda requirement (5 U.S.C. 602). Under the law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

**Dated:** March 10, 2008.

**Patrick Rowe,**

*Deputy Executive Director.*

### Committee for Purchase From People Who Are Blind or Severely Disabled—Proposed Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2728            | AbilityOne Program; Determining Whether Commodities Are "Essentially the Same" ..... | 3037-AA01                    |
| 2729            | AbilityOne Program; Suitability Criteria and Determinations .....                    | 3037-AA03                    |

### Committee for Purchase From People Who Are Blind or Severely Disabled—Final Rule Stage

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2730            | Accountability Standards for Designated Central Nonprofit Agencies and Nonprofit Agencies Participating in the AbilityOne Program Under the Authority of the Javits-Wagner-O'Day Act ..... | 3037-AA00                    |

### Committee for Purchase From People Who Are Blind or Severely Disabled—Completed Actions

| Sequence Number | Title  | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 2731            | AbilityOne Program Ratio Requirements .....          | 3037-AA02                    |
| 2732            | Responsibilities of Central Nonprofit Agencies ..... | 3037-AA04                    |

**Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)****Proposed Rule Stage****2728. ABILITYONE PROGRAM; DETERMINING WHETHER COMMODITIES ARE "ESSENTIALLY THE SAME"****Priority:** Other Significant**Legal Authority:** 41 USC 46 to 48c**CFR Citation:** 41 CFR 51-5**Legal Deadline:** None

**Abstract:** The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), which is responsible for administering the Javits-Wagner-O'Day Act through the AbilityOne Program, proposes to amend its regulations by adding guidelines for Federal agencies' use in determining whether commercial commodities are "essentially the same" as items on the Procurement List. The Procurement List is the official list of commodities and services that the Committee has determined to be suitable for provision to the Government by nonprofit agencies employing people who are blind or who have other severe disabilities and that, pursuant to the Javits-Wagner-O'Day Act and the regulations, must be purchased from the source designated by the Committee. The guidelines for Federal agencies would clarify the meaning and applicability of the term "essentially the same," which currently appears but is not defined in the Committee's regulations. As such, the guidelines would assist Federal employees who make purchasing decisions in

complying with the Javits-Wagner-O'Day Act.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 09/00/08 |         |
| NPRM Comment Period End | 11/00/08 |         |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal

**Agency Contact:** Kimberly Zeich, Director, Program Operations, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259  
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**RIN:** 3037-AA01**2729. ABILITYONE PROGRAM; SUITABILITY CRITERIA AND DETERMINATIONS****Priority:** Other Significant**Legal Authority:** 41 USC 46 to 48c**CFR Citation:** 41 CFR 51-2**Legal Deadline:** None

**Abstract:** The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), which is responsible for administering and overseeing the implementation of the

Javits-Wagner-O'Day Act, is planning to propose to amend its regulations by revising and clarifying the current suitability criteria in 41 CFR 51-2.4. These criteria are used by the Committee to make determinations regarding whether a commodity or service is suitable to be added to the Procurement List, which is the list of commodities and services that the Committee has determined are suitable to be furnished to the Government by nonprofit agencies employing people who are blind or who have other severe disabilities pursuant to the Javits-Wagner-O'Day Act and the regulations.

**Timetable:**

| Action                  | Date     | FR Cite |
|-------------------------|----------|---------|
| NPRM                    | 12/00/08 |         |
| NPRM Comment Period End | 02/00/09 |         |

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local, State

**Agency Contact:** Louis Bartalot, Director, Program Analysis and Evaluation, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259  
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**RIN:** 3037-AA03**Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)****Final Rule Stage****2730. ACCOUNTABILITY STANDARDS FOR DESIGNATED CENTRAL NONPROFIT AGENCIES AND NONPROFIT AGENCIES PARTICIPATING IN THE ABILITYONE PROGRAM UNDER THE AUTHORITY OF THE JAVITS-WAGNER-O'DAY ACT****Priority:** Other Significant**Legal Authority:** 41 USC 46 to 48c**CFR Citation:** 41 CFR 51-1 to 51-4**Legal Deadline:** None

**Abstract:** The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), which

is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day Act, is proposing to require designated central and other participating nonprofit agencies to take specific steps to adhere to accountability standards established by the Committee. A key element of this proposed rule is to ensure that executive compensation is such, that revenue of a designated central or other affiliated nonprofit agency, generated through the AbilityOne Program's authority, does not unreasonably inure to an individual, executive, or professional staff member. The proposed rule is also intended to

ensure that only qualified, capable, and compliant central nonprofit and nonprofit agencies are allowed to receive and retain Javits-Wagner-O'Day Act sponsored government contracts. Finally, this rule will require central nonprofit agencies to adhere to the fee guidance established herein.

**Timetable:**

| Action                       | Date     | FR Cite     |
|------------------------------|----------|-------------|
| NPRM                         | 11/12/04 | 69 FR 65395 |
| NPRM Comment Period Extended | 12/03/04 | 69 FR 70214 |
| NPRM Comment Period End      | 02/10/05 |             |
| Final Action                 | 12/00/08 |             |

## CPBSD

## Final Rule Stage

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

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**RIN:** 3037-AA00

## Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)

## Completed Actions

### 2731. ABILITYONE PROGRAM RATIO REQUIREMENTS

**Priority:** Other Significant

**Legal Authority:** 41 USC 46 to 48c

**CFR Citation:** Not Yet Determined

**Legal Deadline:** None

**Abstract:** The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day Act through the AbilityOne Program, is planning to propose to amend its regulations by adding a requirement that for total AbilityOne project work, the direct labor hours performed by people who are blind or severely disabled must be at least 75 percent, and for individual AbilityOne projects, the direct labor hours performed by people who are blind or severely disabled must be no lower than 60 percent. This proposed rule would also, among other things, provide a mechanism for the phase-in of projects that cannot initially meet the direct labor hour percentage requirements set forth in the proposal.

#### Timetable:

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/07/08 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local, State

**Agency Contact:** Louis Bartalot,  
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**RIN:** 3037-AA02

### 2732. RESPONSIBILITIES OF CENTRAL NONPROFIT AGENCIES

**Priority:** Other Significant

**Legal Authority:** 41 USC 46 to 48c

**CFR Citation:** 41 CFR 51-3

**Legal Deadline:** None

**Abstract:** The Committee for Purchase From People Who Are Blind or Severely Disabled (Committee), which

is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day Act through the AbilityOne Program, is planning to propose to amend its regulations by revising and clarifying the current responsibilities under the AbilityOne Program of central nonprofit agencies designated by the Committee. These responsibilities are set forth at 41 CFR 51-3.2 of the regulations.

#### Timetable:

| Action    | Date     | FR Cite |
|-----------|----------|---------|
| Withdrawn | 03/07/08 |         |

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** None

**Agency Contact:** Dennis Lockard,  
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**RIN:** 3037-AA04

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